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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re M. M., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

M.M.,

Defendant and Appellant.

D062657

(Super. Ct. No. J230336)

APPEAL from a judgment of the Superior Court of San Diego County, Polly H.

Shamoon, Judge. Affirmed.

I.

INTRODUCTION

On July 12, 2012, the People filed a petition under Welfare and Institutions Code section 602, alleging that M.M. committed misdemeanor battery (Pen. Code, § 242) arising out of an incident in which M.M. struck, pushed, and kicked another student after

school. The petition was subsequently amended to add a second misdemeanor count charging assault with force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4)). M.M. denied the allegations.

On August 17, 2012, the court found the allegations to be true and sustained the petition. The court adjudged M.M. to be a ward pursuant to Welfare and Institutions Code section 602. At the dispositional hearing, the court committed M.M. to "Breaking Cycles" for a maximum of 240 days and placed her with her mother.

M.M. filed a timely notice of appeal. We affirm.

## II.

### BACKGROUND

A.M., the victim, and M.M. knew each other from high school. At the time of the incident, A.M. was a freshman and M.M. was a sophomore. Late in the school year, A.M. and a friend of M.M. began to have disagreements. On May 1, 2012, M.M. approached A.M. during the lunch break and confronted A.M. about some negative statements that A.M. had made about M.M.'s friend. M.M. and her friend eventually walked away from A.M., but M.M. told A.M. that she was going to make A.M.'s life a " ' living hell. ' "

Later, after a class, M.M. approached A.M. and bumped into her. The two exchanged words, and A.M. proceeded to class.

After school that day, at around 2:15 p.m., A.M. was standing with her friend Natalie M. in a vacant parking lot across from the high school. A.M. was on her cell phone, calling her mother, while Natalie stood next to her. Suddenly, M.M. came up

from behind A.M. and struck A.M. in the head. M.M.'s blow hit A.M. in the back of her ear.

M.M. knocked A.M. to the ground and began to hit her in the back of her head. M.M. grabbed A.M. by the hair and threw her into some bushes. M.M. continued to hold onto A.M.'s hair, pulled her up again, and then pushed her down onto the ground. M.M. struck at A.M. for a couple of minutes. A.M. was unable to defend herself or fight back.

Three witnesses who were also in the vacant parking lot after school on May 1, 2012, testified. J.M., her brother D.M., and J.M.'s boyfriend, Rafael S., all observed M.M. rush toward A.M. and hit her.<sup>1</sup> They also saw M.M. pull A.M.'s hair, push her to the ground, strike her, and kick her. J.M. and Rafael saw M.M. kick A.M. repeatedly, but D.M. recalled only that M.M. had kicked A.M. one time.

D.M. and Rafael ran over to attempt to break up the fight. When they arrived, M.M. stopped attacking A.M. All of the witnesses heard M.M. warn A.M. not to talk about other people, and then said to some of her friends, "I just beat that bitch's ass."

A.M. reported the incident to a vice-principal that day. The following day, she spoke with a campus police officer and went to the hospital for treatment of her wounds, which included cuts to her knees, bruising, and hair loss. Soon after the incident, A.M. changed schools in order to avoid having to see M.M.

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<sup>1</sup> J.M. and Rafael knew A.M. because at the beginning of the school year, they had participated in a group that helped welcome freshman to the school. J.M. also knew M.M. from school, and knew M.M.'s boyfriend. However, J.M. did not consider either A.M. or M.M. to be a friend, and said that she had no reason to testify for or against either party.

M.M.'s boyfriend, C.C., testified that on the day in question, he met up with M.M. immediately after school and the two of them walked directly to the student parking lot and did not go across the street to the vacant parking lot where the other witnesses said they saw M.M. attack A.M. W.W., a friend of M.M. and C.C., testified that she saw M.M. and C.C. in the student parking lot after school that afternoon.

### III.

#### DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel lists as possible, but not arguable, issues: (1) whether there is sufficient evidence to support the court's true findings regarding the allegations of battery and assault with force likely to produce great bodily injury; and (2) whether there is sufficient evidence to support the court's true finding that M.M. committed an assault with force likely to produce great bodily injury.

We granted M.M. permission to file a brief on her own behalf. She has not responded. A review of the record pursuant to *Wende* and *Anders*, including the possible issues listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues. M.M. has been competently represented by counsel on this appeal.

IV.  
DISPOSITION

The judgment is affirmed.

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AARON, J.

WE CONCUR:

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O'ROURKE, Acting P. J.

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IRION, J.